

Aug 11-05, 11:08am From-

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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 ALFREDO ORDONEZ-QUINTEROS,

20 Defendant.

21 No. 05-70456 RS

22 STIPULATION AND ~~PROPOSED~~
23 ORDER EXCLUDING TIME

24 SAN JOSE VENUE

25 On August 11, 2005, the parties in this case appeared before the Court for an arraignment. At
26 that appearance, Assistant Federal Public Defender Jay Rorty explained that he needs additional
27 time to discuss the government's plea offer with the defendant and for the defendant to discuss
28 the offer with his family. Therefore, the parties requested that the arraignment be continued to
September 8, 2005 at 9:30 a.m. before the Honorable Judge Seeborg. In addition, the defendant,
through his counsel, agreed to an exclusion of time under the Speedy Trial Act from August 11,
2005 to September 8, 2005. The parties agree and stipulate that an exclusion of time is
appropriate based on the defendant's need for effective preparation of counsel.32 RICHARD W. WIEKING
33 CLERK, U.S. DISTRICT COURT
34 NORTHERN DISTRICT OF CALIFORNIA
35 SAN JOSE36 FILED
37 AUG 19 2005

Aug-11-05 11:09am From-

1 SO STIPULATED:

KEVIN V. RYAN
United States Attorney2 DATED: 8/19/05SUSAN KNIGHT
Assistant United States Attorney3 DATED: 8/15/054 JAY RORTY
5 Assistant Federal Public Defender6
7 Accordingly, the Court HEREBY ORDERS that the preliminary hearing or arraignment is
8 continued to September 8, 2005 at 9:30 a.m. before the Honorable Judge Seeborg. Good cause
9 is shown and the continuance is proper under Rule 5 of the Federal Rules of Criminal Procedure
10 and 18 U.S.C. § 3060.11 For good cause shown, the Court FURTHER ORDERS that time be excluded under the
12 Speedy Trial Act from August 11, 2005 to September 8, 2005. The Court finds, based on the
13 aforementioned reasons, that the ends of justice served by granting the requested continuance
14 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant
15 the requested continuance would deny defense counsel reasonable time necessary for effective
16 preparation, taking into account the exercise of due diligence, and would result in a miscarriage
17 of justice. The Court therefore concludes that this exclusion of time should be made under 18
18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

19 SO ORDERED.

20 DATED: 8/19/0521
22 PATRICIA V. TRUMBULL
23 United States Magistrate Judge

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